

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Darlene Burson,
Petitioner-Appellant,

v.

Sioux City Board of Review,
Respondent-Appellee.

ORDER

Docket No. 11-107-1155
Parcel No. 8974-02-456-006

On August 3, 2012, the above-captioned appeal came on for telephone hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Darlene Burson was self-represented. City Attorney Jack A. Faith is counsel for the Board of Review. Both parties submitted documentary evidence in support of their position. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

Findings of Fact

Darlene Burson, owner of property located at 4618 Polk Street, Sioux City, Iowa, appeals from the Sioux City Board of Review decision reassessing her property. According to the property record card, the subject property consists of a one-story frame dwelling having 1044 square feet of living area built in 1965, with 26% physical depreciation. It has a full basement with 425 square feet of standard finish and a 165 square-foot wood deck. It has an average quality (4+00) construction grade and is in normal condition. The property is also improved by a 336 square-foot, detached garage built in 1966. The improvements are situated on 0.168 acres.

The real estate was classified as residential on the January 1, 2011, assessment and valued at \$95,600, representing the \$21,600 land value and \$74,000 in improvement value.

Burson protested to the Board of Review on the ground that the property is assessed for more than authorized by law under Iowa Code section 441.37(1)(b). She also pled that the property had a change in value and that there was an error in assessment; however, both of these were essentially claims of over-assessment. Burson claimed \$70,000, allocated \$19,100 to land value, and \$50,900 to improvement value, was the actual value and a fair assessment of the property. The Board of Review denied the protest.

Burson then appealed to this Board with the same claim and seeking the same relief.

Burson testified she purchased the property in July 2008 for \$72,000. The property was assessed for \$97,300 at the time. The Board of Review subsequently lowered the value to \$72,000 in both 2009 and 2010. Burson compared the 2010 and 2011 dwelling only assessments for other properties in the area and concluded the others were decreased in 2011 while hers was increased. It was clear that Burson did not know the square footage of the other properties or that her dwelling actually has more square footage than many of the others. She did identify factors such as new windows, siding, or screen porch, which she thought should make them more valuable than hers. But Burson's home has a slightly higher quality grade factor than the other properties, has basement finish whereas some others do not, and has the largest garage. Despite these differences, her property assessment is within the range for the compared dwellings. We also note none of these properties sold within the last 2 years. The following summarizes the properties Burson used for comparison.

Address	Year Built	Condition	Grade	TSFLA	Assessed Value	Assessed Value PSF
Subject Property	1965	Normal	4	1044	\$ 95,600	\$ 91.57
4516 Central	1952	Normal	4-5	960	\$ 77,400	\$ 80.63
4531 Central	1951	Normal	4-5	1088	\$ 81,000	\$ 74.45
4631 Polk	1962	Normal	4-5	988	\$ 81,500	\$ 82.49
4627 Polk	1961	Normal	4-5	912	\$ 83,600	\$ 91.67
4632 Polk	1962	Normal	4-5	1008	\$ 84,600	\$ 83.93

January Fields, an appraiser with the assessor's office, testified on behalf of the Board of Review. Fields reported that Burson purchased the subject property from a lender after a foreclosure and tax sale. In her opinion, the sale was not a normal, arms'-length transaction and, therefore, did not accurately represent the property's fair market value. We note the 2006 sale price of the property was \$102,000. Fields commented there were no recent sales in the Leeds North neighborhood where the subject property is located; however, she did list three 2008 sales of comparable properties of the same style in the neighborhood. The sales prices ranged from \$94,500 to \$102,000, or \$93.75 to \$105.81 per square foot. Field made limited adjustments for square feet of living area and garage feature. Her adjusted sale prices were \$96,500 to \$107,800, or \$93.15 to \$111.83 per square foot. The subject property is assessed at \$91.57 per square foot, which is well below the lower limit of the ranges for sales prices and adjusted sales prices per square foot.

While we are uncertain why the subject property's assessment increased 25% from 2010 to 2011; Burson failed to provide sufficient evidence to support her over-assessment claim.

Conclusion of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment*

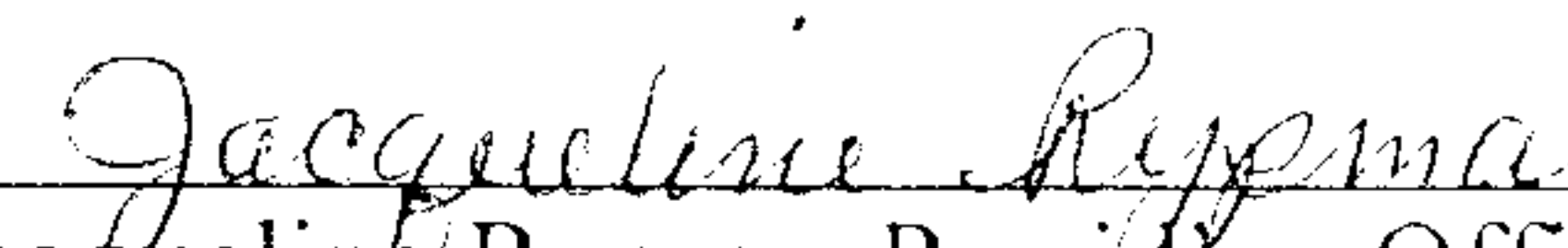
Appeal Bd., 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

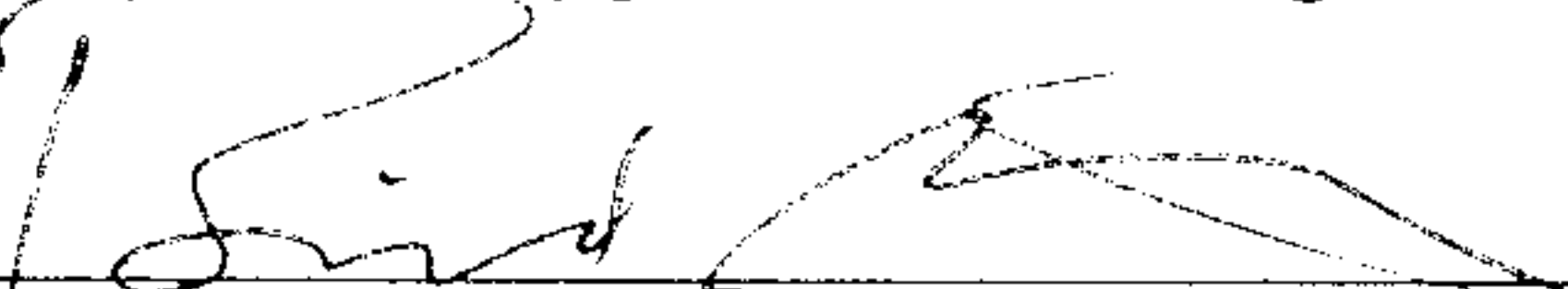
In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). Burson submitted insufficient evidence to support her claim that the property is assessed for more than authorized by law. Therefore, we affirm the assessment of Burson's property located at 4618 Polk Street, Sioux City at \$ \$95,600, representing the \$22,400 land value and \$1800 in improvement value, as of January 1, 2011, as determined by the Board of Review.

THE APPEAL BOARD ORDERS that the January 1, 2011, assessment as determined by the Sioux City Board of Review is affirmed.

Dated this 17 day of September 2012.


Jacqueline Rypma, Presiding Officer


Richard Stradley, Board Chair


Karen Oberman, Board Member

Copies to:

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>9-17</u> , 201 <u>2</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u><i>Darlene Burson</i></u>